

## REMARKS

### I. STATUS OF THE CLAIMS

Claims 1-21 are pending in the Application. Claims 1, 8, 13, 14, 16 and 21 have been amended by the present amendment.

Claims 1-3, 5, 6, 11, 12 and 16-19 were rejected in the Office Action under 35 U.S.C. § 102(a), second paragraph (hereinafter, "Section 102(a)") as being anticipated by Armond (US. Pat. No. 3,134,545, hereinafter, "Armond").

Claims 7, 13 and 14 were rejected in the Office Action under 35 U.S.C. § 103(a), (hereinafter "Section 103(a)") as being unpatentable over Armond.

Claim 4 was rejected in the Office Action under Section 103(a) as being unpatentable over Armond in view of Williams (U.S. Pat. No. 2,564,618, hereinafter, "Williams").

Claims 8, 9, 15, and 20 were rejected in the Office Action under Section 103(a) as being unpatentable over Armond in view of Smith (U.S. Pat. No. 4,888,575, hereinafter, "Smith").

Claims 10 and 21 were rejected in the Office Action under Section 103(a) as being unpatentable over Armond in view of O'Hare (U.S. Pat. No. 3,917,175, hereinafter, "O'Hare").

Applicant respectfully traverses all rejections and requests reconsideration.

### A. REJECTION UNDER SECTION 102(a), ARMOND

Claims 1-3, 5, 6, 11, 12 and 16-19 were rejected Section 102(a) as being anticipated by the Armond reference.

Armond reference

Armond describes a shower spray head adapted to selectively spray either water or a mixture of water and soap or detergent. (Armond, Col. 1, lines 9-11).

Amended Claims 1 and 16

By the present amendment, independent claims 1 and 16 have been amended to more clearly recite the Applicant's invention. Amended claim 1 recites "an air aperture located where concentrated fluid passes" and "the exit tube having a diameter larger than a diameter of a pathway of said diverted water flow in the body chamber". Claim 16 has also been amended to recite "wherein the one or more exit tubes each has a diameter larger than a diameter of the diverted fluid flow in the body chamber".

The claims have been amended to more clearly recite how the Applicant's apparatus may allow for multiple orifices of different size; even mixing of soap and water and control of how soap enters the mixing area (See Application paragraphs [0040], [0041], [0042] and [0045], and Fig. 1A).

The amendments to the claims distinguish the Applicant's claimed invention from Armond. Armond does not demonstrate the required recited elements of the "air aperture" as well as the "exit tube having a diameter larger than that of the diverter water/fluid flow in the body chamber". As such, Armond does not anticipate the amended independent claims 1 and 16.

Dependent claims 2, 3, 5, 6, 11, 12, 17-19

Claims 2, 3, 5, 6, 11 and 12 which depend on amended claim 1; and claims 17-19 which depend on amended claim 16, include all the limitations of amended claims 1 and 16 respectively, along with additional limitations. Accordingly, claims 2, 3, 5, 6, 11, 12 and 17-19 are believed to be allowable for at least the same reasons as amended claims 1 and 16. As such, Applicant respectfully requests withdrawal of the rejections of claims 1-3, 5, 6, 11, 12, 16-19 under Section 102(b).

**B. REJECTION UNDER SECTION 102(a), ARMOND**

Claims 7, 13 and 14 were rejected under Section 103(a) as being unpatentable over Armond. Applicant respectfully traverses Examiner's rejections as explained below.

Claim 7 depends from amended claim 1. Claim 13 has been amended to recite the limitations of "a valve for allowing air to mix with the concentrate" and "said exit tube having a diameter larger than a diameter of the diverted fluid flow in the fluid emitting device".

Claim 14 has been amended to recite "and the valve for allowing air to mix with the concentrate is positioned near the exit tube". A prima facie case of obviousness is not shown using Armond for at least the reasons stated below.

Armond does not teach, either expressly or inherently, each and every element of amended claims 1, 13 and 14. As discussed above, Armond fails to teach "an air aperture positioned where concentrated fluid passes", nor does it teach "the exit tube having a diameter larger than a pathway of said diverter water/fluid flow". Neither does Armond provide for "a valve for allowing air to mix with the concentrate" as in amended

claim 13. Claim 14 depends from claim 13 and further recites the valve is “positioned near the exit tube”. Such limitations are just not taught or suggested by Armond. Accordingly, Armond fails to teach or suggest ALL claim limitations of claims 7, 13 and 14 as required to establish a prima facie case of obviousness. For the above reasons, Applicant respectfully requests withdrawal of the rejection of claims 7, 13 and 14 under Section 103(a).

#### C. REJECTION UNDER SECTION 103(a), ARMOND IN VIEW OF WILLIAMS

Claim 4 was rejected under Section 103(a) as being unpatentable over Armond in view of Williams. Applicant respectfully traverses Examiner’s rejections as explained below.

Similarly to the discussion above, Williams does not provide the deficiencies of Armond with respect to amended claim 1. Since claim 4 depends from and includes all the limitations of amended claim 1, there is no showing that Armond in light of Williams provide for ALL the limitations of claim 4. As such, claim 4 is believed to be allowable for at least the reasons as amended claim 1. Applicant respectfully requests withdrawal of the rejection of 4 under Section 103(a).

#### D. REJECTION UNDER SECTION 103(a), ARMOND IN VIEW OF SMITH

Claims 8, 9, 15 and 20 were rejected under Section 103(a) as being unpatentable over Armond in view of Smith. Applicant respectfully traverses Examiner’s rejections as explained below.

Claims 8, 9, 15 and 20 all depend from previously discussed amended independent claims 1, 13 and 16. Smith does not provide for the deficiencies of Armond. In addition,

claim 8 has been amended to further provide for the limitation that "each of the plurality of exit tubes has a diameter larger than a diameter of the pathway of said diverted water flow". Smith does not teach or suggest such a limitation. Accordingly, Smith fails to teach or suggest ALL claim limitations of claims 8, 9, 15 and 20, as required to establish a prima facie case of obviousness. For the above reasons, Applicant respectfully requests withdrawal of the rejection of claims 8, 9, 15 and 20 under Section 103(a).

#### E. REJECTION UNDER SECTION 103(a), ARMOND IN VIEW OF O'HARE

Claims 10 and 21 were rejected under Section 103(a) as being unpatentable over Armond in view of O'Hare. Applicant respectfully traverses Examiner's rejections as explained below.

O'Hare also does not provide for the deficiencies of Armond and therefore, in combination, these references do not teach ALL the limitations of claims 10 and 21, as required to establish a prima facie case of obviousness. Claims 10 and 21 depend from amended claims 1 and 16 respectively. As such, these dependent claims are believed allowable for at least the reasons as amended claims 1 and 16. Accordingly, Applicant respectfully requests withdrawal of the rejection of 10 and 21 under Section 103(a).

#### II. CONCLUSION

The remarks discussed above are believed to place the present Application in condition for allowance. Should the Examiner have any questions regarding the above

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remarks, the Examiner is requested to telephone Applicant's representative at the number listed below.

Respectfully submitted,

Date: 04/06/2006

A handwritten signature in black ink, appearing to read "Otto O. Lee", written over a horizontal line.

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